

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAVERNE A. MCBRYDE-O'NEAL,

Plaintiff,

-against-

TASK FORCE OFFICER DINOL POLICHETTI, et al.,

Defendants.

23-CV-10113 (JPC) (RFT)

**ORDER**

**ROBYN F. TARNOFSKY, United States Magistrate Judge:**

I interpret the Second Amended Complaint as asserting a request for return of currency seized during the search of Plaintiff's home. (See ECF 71.) I have reviewed the docket in 23-CR-00031 (LGS), the criminal case against Plaintiff's husband that arose out of the search of Plaintiff's home. That docket indicates that on February 20, 2024, Plaintiff's husband pleaded guilty to Count Five of a superseding indictment charging him with narcotics distribution pursuant to 21 U.S.C. §§ 812, 841(a)(1), and 841(b)(1)(B). (See 23-CR-00031, ECF 38.) The superseding indictment contained a forfeiture provision, which was brought to the attention of Plaintiff's husband when he pleaded guilty. (See 23-CR-00031, ECF 106, Sentencing Transcript at 8.) At sentencing, however, the Government stated that it was not requesting restitution or forfeiture. (See *id.*) The criminal case docket does not indicate that the Government has either commenced or noticed an asset forfeiture proceeding.


I will be holding a telephonic status conference on **January 10, 2025, at 10:00 AM**, at which time counsel for the Government shall be prepared to address: (1) whether the provisions of the United States Department of Justice Asset Forfeiture Policy Manual cover the

seizure of currency from Plaintiff's apartment; (2) whether Plaintiff and her husband were provided with written notice that the currency had been seized for forfeiture, and if so, when such notice was provided; and (3) whether either Plaintiff or her husband has formally asked for the return of the currency, and if so, (a) when and (b) what response, if any, has been made to the request.

Plaintiff and counsel for Defendants are directed to call my conference line at the scheduled time by dialing **(646) 453-4442, Access Code: 208 228 931 #**.

DATED: January 3, 2025  
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

**ROBYN F. TARNOFSKY**  
United States Magistrate Judge